

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

<p>SIOUX RURAL WATER SYSTEM, INC., a Non-Profit Corporation</p> <p>Plaintiff,</p> <p>vs.</p> <p>CITY OF WATERTOWN, a South Dakota Municipality, and WATERTOWN MUNICIPAL UTILITIES, an agency of the CITY OF WATERTOWN</p> <p>Defendants.</p>	<p>Civ. 15-1023</p> <p><b>SECOND AFFIDAVIT OF JEFF COLE IN SUPPORT OF RESPONSE TO DEFENDANTS' STATEMENT OF UNDISPUTED MATERIAL FACTS</b></p>
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STATE OF SOUTH DAKOTA )  
 ) : SS  
COUNTY OF LINCOLN )

Jeff Cole, being first duly sworn on oath, deposes and states:

1. That this affiant is one of the attorneys representing Sioux Rural Water System, a non-profit corporation, in the above-entitled matter.

2. Attached hereto as Exhibit 1 is a true and correct copy of Kittleson's Addition within Watertown's "Future Use Map" circled in red ink.

3. Attached hereto as Exhibit 2 is a true and correct copy of the relevant portions of the Water Service and Voluntary Annexation Agreement highlighted in yellow.

4. Attached hereto as Exhibit 3 is a true and correct copy of the relevant portions of Rick Westbrook's deposition testimony and depo Exhibit 5 highlighted in yellow.

5. Attached hereto as Exhibit 4 is a true and correct copy of the relevant portions of Jeff Deville's deposition testimony highlighted in yellow.

6. Attached hereto as Exhibit 5 is a true and correct copy of the relevant portions of Steve Burian's deposition testimony highlighted in yellow.

7. Attached here to as Exhibit 6 is a true and correct copy of the relevant portions of Steve Lehner's deposition testimony highlighted in yellow.

8. Attached hereto as Exhibit 7 is a true and correct copy of the relevant portions of Richard Wagner's deposition testimony highlighted in yellow.

9. Attached hereto as Exhibit 8 is a true and correct copy of the relevant portions of Darin Schriever's deposition testimony, including Exhibit 4 which was his Expert Report. Attached are the relevant portions of his report highlighted in yellow.

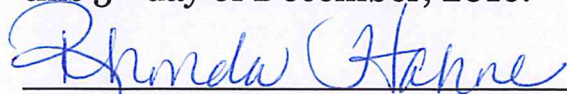
10. Attached hereto as Exhibit 9 is a true and correct copy of

relevant portions of Steve Burian and Richard Wagner's Expert Report highlighted in yellow.

Dated this 5<sup>th</sup> day of December, 2016.

  
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Jeff Cole

Subscribed and sworn to before me  
this 5<sup>th</sup> day of December, 2016.

  
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Notary Public - South Dakota  
My Commission Expires: 07/08/2019

